

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID C. PEEBLES and WILLARD :
E. BARTEL as personal : E.D. Pa. Civil Action No.
administrators for : 11-41724
WILLIAM L. SMITH :
v. : N.D. Oh. Civil Action No.
: 98-11922
:
A-C PRODUCT LIABILITY TRUST, :
et al. :
:

O R D E R

AND NOW, this 20th day of **September, 2018**, upon
consideration of the Report and Recommendation of United States
Magistrate Judge Thomas J. Rueter (ECF No. 157, filed under
seal), it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**¹;

¹ When neither party files timely objections to a magistrate judge's report and recommendation ("R&R") on a dispositive issue, the district court is not required to review the R&R before adopting it. Thomas v. Arn, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."). However, the Third Circuit has held that "in the absence of objections . . . the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); see also Fed R. Civ. P. 72, 1983 advisory committee notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). In that neither party has filed objections to the R&R, this Court has reviewed it for clear error and has found none.

2. Plaintiffs' claim against U.S. Steel Corporation is **DISMISSED WITH PREJUDICE**; and
3. A Rule is **ISSUED** for the parties to show cause, no later than **Friday, October 5, 2018**, why the case should not be dismissed and closed, or transferred back to the Northern District of Ohio pursuant to 28 U.S.C. § 1404(a).

IT IS SO ORDERED.

/s/ Eduardo Robreno
EDUARDO C. ROBRENO, J.